MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2016/2017

UAD 2612 – ALTERNATIVE DISPUTE RESOLUTION

(All Sections/Groups)

29 MAY 2017

Reading Time : 2.30 p.m. – 2.45 p.m.

(15 Minutes)

Answering Time : 2.45 p.m. –5.45 p.m.

(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes. ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the question.
2. This Question Paper consists of 3 Pages and 5 Questions only.
3. There are two parts in this Question Paper: Part A and Part B. Question 1 from Part A is COMPULSORY and must be answered. Answer THREE QUESTIONS ONLY from Part B.
4. Students are allowed to bring into the examination hall CLEAN and ORIGINAL copy of :
   i. Arbitration Act 2005 (Act 646)
   ii. Holy Quran (Translation)

   Students are not allowed to lend or borrow statute(s) during the Examination.

5. Please write all your answers in the Answer Booklet provided.

PART A: THIS QUESTION MUST BE ANSWERED

QUESTON 1

Explain the concepts as stated below:

(a) Negotiation (10 marks)

(b) Elements of mediation (10 marks)

(c) Opt-In and Opt-Out (10 marks)

(d) Arbitration agreement (10 marks)

(Total: 40 marks)

Continued...

PART B: ANSWER THREE QUESTIONS ONLY

QUESTION 2

Discuss the philosophy and factors that have led to the application of mediation in the settlement of civil disputes by the courts across the world's legal jurisdictions.

Support your answer by citing the practice of any country which has introduced mediation successfully to their justice system.

(Total: 20 marks)

QUESTION 3

Discuss to what extent the Arbitration Act 2005 (Act 646) give parties greater autonomy over the conduct of the arbitration.

Support your answer with the relevant statutory provisions of the said Act and decided cases.

(Total: 20 marks)

Continued...

QUESTION 4

Discuss the powers of the arbitral tribunal to grant interim measures as provided under the Arbitration Act 2005 (Act 646).

Support your answer with relevant statutory provisions and decided cases.

(Total: 20 marks)

QUESTION 5

Discuss the basis and qualifications of hakam (arbitrator) in the settlement of civil disputes between Muslim parties.

Support your answer with relevant *Quranic* injunctions and opinions of the jurists.

(Total: 20 marks)

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